



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/537,785	03/29/2000	Yuta Aono	FUJII17,175	7257

7590 04/23/2003

Katten, Muchin, Zavis & Rosenman  
575 Madison Ave  
New York, NY 10022-2585

EXAMINER

TSEGAYE, SABA

ART UNIT	PAPER NUMBER
----------	--------------

2662

5

DATE MAILED: 04/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/537,785

Applicant(s)

AONO ET AL

Examiner

Saba Tsegaye

Art Unit

2662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5,7 and 8 is/are rejected.
- 7) ☒ Claim(s) 3,6 and 9-11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Drawings*

1. Figures 1 and 2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

2. Fig. 5 is objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "24" has been used to designate both **storage** and **processor**. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### *Abstract*

3. The abstract of the disclosure is objected to because the abstract should be in narrative form within the range of 50 to 150 words in length. Correction is required. See MPEP § 608.01(b).

### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 2662

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claim 7 is rejected under 35 U.S.C. 102(e) as being anticipated by Schneider et al. (US 6,477,238).

Schneider discloses, in Figs. 3 and 4, an order wire monitoring method for monitoring a quality of an order wire line which couples a plurality of an order wire lines which couples a plurality of transmission apparatuses (CO test unit 165; CP test unit 265) via multiplexing lines which multiplex and transmit main and order wire signal, comprising the steps of:

specifying a transmission apparatus (CO test unit 165) which is to transmit test data as a specified transmitting apparatus (CO test unit 165), and a transmission apparatus which is to receive test data as a specified receiving apparatus (CP test unit 265) (column 15, line 54-column 16, line 8);

transmitting the test data from the specified transmitting apparatus to the order wire line in response to a start of test (column 16, lines 9-26);

Art Unit: 2662

receiving and temporarily storing the test data in the specified receiving apparatus (CP test unit 265; column 15, lines 18-31; column 16, lines 41-52);

transmitting to the specified transmitting apparatus one of the stored received test data, analyzed data of the received test data, and judgment data indicative of a judgment result of a comparison of the analyzed data and threshold values, after a predetermined time or at a specified time (column 15, lines 18-31; column 16, lines 41-65); and

monitoring, in the specified transmitting apparatus, the quality of the order wire line between the specified transmitting apparatus and the specified receiving apparatus (column 16, line 53-column 17, line 36).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 2, 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over The Admitted Prior Art (Fig. 2) in view of Schneider et al. (US 6,477,238).

Regarding claims 1, 2, 4 and 5, the Admitted Prior art discloses, in Fig. 2, a transmission apparatus comprising: a mux/dmux section, an order wire section, a codec section, a branching and combining section, and a 2-wire/4-wire converter.

However, the Admitted prior art does not disclose **a monitoring processor and an order wire monitoring controller**, the order wire mentoring controller controlling transmission of test

Art Unit: 2662

data stored in the storage section to an order wire line, controlling storage of test data received via the order wire line to the storage section, and controlling transmission and reception of one of the received test data, analyzed data of the received test data and judgment data indicative of a judgment result of a comparison of the analyzed data and threshold values.

Schneider teaches a system for testing a line of a communication network for a digital subscriber line service. Further, Schneider teaches a test unit coupled to the receiving end of the transmission line; a storage device stores sets of threshold values for a number of services; and a processor process a set of samples for a test waveform corresponding to a selected one of the digital subscriber line services and processes the captured digital samples and compares to a selected set of threshold values (column 7, lines 4-49).

It would have been obvious to one ordinary skill in the art at the time of the invention was made to add a monitoring processor and an order wire monitoring controller, such as suggested by Schneider, in the order wire section of the Admitted Prior art in order to enable testing and maintenance of in-service lines (column 4, lines 53-58).

8. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schneider et al. in view of the Admitted Prior art.

Schneider discloses all the claim limitations as stated above. Further, Schneider suggests that the inventive method may be applied to lines of a variety of telecommunications networks that carry digital data services.

However, Schneider does not expressly disclose A/D converter.

Art Unit: 2662

The Admitted Prior art teaches, in Fig 2, converting DTMF signal into digital signal (CODEC 75).

It would have been obvious to one ordinary skill in the art at the time of the invention was made to add a A/D converter, such as suggested by the Admitted Prior art, in the system of Schneider in order to provide a system for testing lines of a variety of telecommunications networks.

#### ***Allowable Subject Matter***

9. Claims 3, 6 and 9-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Andersen et al. (US 4,550,425) discloses speech sampling and companding device.

Bliven et al. (US 5,111,497) discloses an alarm and test system for a digital added main line.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saba Tsegaye whose telephone number is (703) 308-4754. The examiner can normally be reached on Monday-Friday (7:30-5:00), First Friday off.

Art Unit: 2662

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on (703) 305-4744. The fax phone numbers for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

ST  
April 21, 2003



HASSAN KIZOU  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600